

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted via the USPTO EFS Filing System on the date shown below to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: January 11, 2008/Stacey Bussey/
Stacey Bussey**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicants(s): Gregory A. Majcher, *et al.*

Serial No: 10/771,891

Filing Date: February 4, 2004

Examiner: Bryce P. Bonzo

Art Unit: 2113

Title: SITUATIONAL AWARE OUTPUT CONFIGURATION AND EXECUTION

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicants' representative submits this Reply Brief in response to the Examiner's Answer dated November 13, 2007. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP173USA].

REMARKS

Claims 23-31 and 33-44 are currently pending and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to appellants' Appeal Brief.

I. Regarding the Rejection of Claims 23-28, 34 and 44 Under 35 U.S.C. §102(e)

The Examiner incorrectly maintains the rejection of claims 23-28, 34 and 44 under U.S.C. §102(e) as being unpatentable over Grieshaber *et al.* (U.S. 6,598,106). Reversal of this rejection is respectfully requested for at least the following reasons. The reference fails to disclose, teach or suggest each and every limitation set forth in the subject claims.

The claim subject matter relates to mechanisms to enable a user to define dynamic output behavior of an output device or state machine based upon a variety of status and/or event situations. In particular, the user creates a binding between a logical function and status and/or event indicators to define output behavior according to the indicators and the logical function. Independent claim 23 recites *a system that facilitates generating a dynamic output in a state machine, comprising an input component that receives communication, the communication is related to at least one indicator that receives updated status/event information from the communication and a logic function component that defines a logical function using at least one function block and links the logical function with the indicator to define the behavior of an output and selectively provide an output signal according to the logic function and the at least one indicator.* Similarly, independent claim 44 recites *a system that provides an output, comprising means for receiving information regarding associated logical function and status/event indicator components, means for determining the status of the associated logical function and status/event indicator components, means for selecting an output based on the information received and means for broadcasting an output signal from an output component.* Grieshaber *et al.* does not disclose, teach or suggest such aspects.

Rather Grieshaber *et al.* relates to a dual port enclosure monitor for servicing a dual port Small Computer System Interface (SCSI) bus. (See Abstract). The enclosure monitor may communicate with hosts attached to the ports and the hosts can instruct the enclosure monitor to connect or isolate an internal SCSI bus. In one disclosed embodiment, the enclosure monitor

continuously monitors the internal SCSI bus for errors. If an error is detected that hangs the internal SCSI bus, the enclosure monitor iteratively traverses the attached SCSI devices to determine the offending SCSI device so that it may be isolated. (See col. 9, line 49 to col. 10, line 27). Thus, Grieshaber *et al.* relates to detecting and isolating bus faults and is silent regarding a logic function component as recited by the subject claims.

In the Examiner's Answers, it is contended that every action in a modern computer is a logic function. In particular, the Examiner cites a recursive testing procedure (See col. 9, ll. 57-60) disclosed in Grieshaber *et al.* as a sufficient disclosure to meet the limitation in the subject claims. Applicants' representative respectfully disagrees. In the claimed invention, a logic function is linked to at least one status and/or event indicator to define output behavior (e.g., selectively provide an output signal according to the logic function and indicator). In Grieshaber *et al.*, a host repeatedly tests a SCSI bus for error. For example, the host issues a test_unit_ready message to individual bus components at heartbeat intervals. (See col. 6, ll. 35-40). Thus, the recursive testing procedure sends messages at regular intervals but is neither linked to an indicator to define output behavior or selectively provides an output signal as recited in the subject claims.

Further, the Examiner contends that a bus fault monitor, a monitor processor and a signal processor disclosed in Grieshaber *et al.* are as three separate logic function blocks that allegedly feed indicators to one another. Applicants' representative respectfully disagrees with this contention. The cited components monitor for bus errors in manner similar to that describe *supra* and periodically send signals to process iterative isolation control messages to isolate the error causing element. However, as claimed, an indicator is an entity that receives updated status or event information from a communication received by an input component. Thus, the Examiner incorrectly points to a communication message between components as meeting the limitation of an indicator. A communication signal cannot receive updated status or event information.

Further yet still, in the Examiner's Answer, it is argued that linked is not limited in meaning to refer to an input. However, when the claim is read as a whole, it is understood that a logic function and indicator are linked (*i.e.* connected) to define output behavior. Thus, the indicator provides input to the logic function to provide an output signal. Moreover, as the indicator is an entity that receives update status or event information from a communication, the

indicator provides data regarding a condition constantly to a logic function. When the data regarding a condition is of a certain nature as defined by the logic function, an particular output signal is provided.

In addition, the standard by which anticipation is to be measured is *strict identity* between the cited document and the invention as claimed, not mere equivalence or similarity. *See, Richardson* at 9 USPQ2d 1913, 1920. This means that in order to establish anticipation under 35 U.S.C. §102, the single document cited must not only expressly or inherently describe each and every limitation set forth in the patent claim, but also the identical invention must be shown in as complete detail as is contained in the claim. The fact that Grieshaber *et al.* fails to provide a logic function linked to an indicator that receives update status or event information from a communication, but rather a bus monitoring routine that sends heartbeat messages to detect faults and isolating fault causing elements, leads one to believe that the cited document in the final analysis, does not provide an invention identical to that recited in the subject claims.

In view of the foregoing, it is readily apparent that the reference does not disclose, teach or suggest each and every limitation of claims 23-28, 34 and 44. Accordingly, it is respectfully requested that this rejection be reversed.

II. Regarding the Rejection of Claims 29-33 and 36-42 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 29-33 and 36-42 under U.S.C. §103(a) as being unpatentable over Grieshaber *et al.* in view of Tentij *et al.* (US 6,513,129). Reversal of this rejection is respectfully requested for at least the following reasons. The cited references fail to teach or suggest all limitations set forth in the subject claims.

In particular, the cited references fail to teach or suggest *transmitting the input to a logic function, the logic function contains at least one function block, associating the at least one indicator with the at least one function block and providing an output based at least in part upon the at least one indicator and the logic function* as recited by independent claim 36. As discussed *supra*, Grieshaber *et al.* relates to bus fault detection and isolation. Grieshaber *et al.* does not teach or suggest an association between an indicator and a function block and providing an output based in part on the indicator and the function block. Rather, Grieshaber *et al.* discloses an iterative fault isolation process triggered in response to a bus error detected by sending heartbeat messages.

Tentij *et al.* is relied upon to make up for the deficiencies of Grieshaber *et al.* with respect to independent claim 36. However, Tentij *et al.* fails to teach or suggest those aspects lacking in Grieshaber *et al.* Tentij *et al.* relates to a fault management system wherein control objects can be selected for particular alarm incidents such that the selected control object is processed or executed in response to the alarm incident should it occur. (See Abstract). Thus, Tentij *et al.* does not teach or suggest an association between an indicator and a function block and providing an output based in part on the indicator and the function block. Rather, Tentij *et al.* enables a user of the fault management system to select a fault recovery routine that will execute upon detection of a fault.

In the Examiner's Answer, it is alleged that references are argued separately. Applicants' representative respectfully disagrees. As the primary reference fails to teach or suggest all limitations of the claimed subject matter, it is contended that the primary reference, in combination with Tentij *et al.*, cannot render the claimed invention obvious. Tentij *et al.* does not provide teaching for the aspects lacking in the primary reference as described above. Further, this lack of teaching is confirmed by the Examiner's statement that the reference is not directed towards those limitations.

Further, in the Examiner's Answer, it is contended that Applicants' Appeal Brief does not refute the reasons for combining the references and moreover that the argument previously presented allegedly indicates the combination has more capabilities than the claimed invention. Applicants' representative respectfully asserts to the contrary. Using the reason suggested by Examiner, namely, that it is difficult to program decision block in fault alerting systems, the resultant combination is distinct from the claimed invention. The combination is a configurable or programmable system that monitors and reacts to faults. The resultant system enables configuration of monitoring routines (*e.g.*, heartbeat messages) and fault routines (*e.g.*, iterative isolation) but does not teach or suggest associating an indicator with a logic function and providing an output based at least in part upon the indicator and the logic function as recited by independent claim 36.

In view of the foregoing, it is readily apparent that the cited references, alone or in combination, do not teach or suggest each and every limitation of claims 29-33 and 36-42. Accordingly, it is respectfully requested that this rejection be reversed.

CONCLUSION

The subject application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP173USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROC & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROC & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731